

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 17, 2010
7:04 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Brindle approving the Council consent agenda with the exceptions of Items III.J., Taste of Creativity Fundraiser Event, Edina Art Center, and III.L., Resolution No. 2010-71, Continue Participation in Local Housing Incentive Account (LHIC) Program under the Metropolitan Livable Communities Act (LCA) for calendar years 2011-2020.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***MINUTES APPROVED – REGULAR MEETING OF AUGUST 2, 2010, AND WORK SESSION OF AUGUST 2, 2010, AND REGULAR MEETING OF JULY 20, 2010** Motion made by Member Swenson and seconded by Member Brindle approving the minutes of the regular meeting of August 2, 2010, and work session of August 2, 2010, and regular meeting of July 20, 2010.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – LIGHTING FOR PAMELA PARK AND WALNUT RIDGE PARK HOCKEY RINKS** Motion made by Member Swenson and seconded by Member Brindle awarding the bid for lighting for Pamela Park and Walnut Ridge Park hockey rinks to the recommended low bidder, Graybar at \$39,316.11.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – LIFT STATION #2 RECONSTRUCTION, GRIMES AVENUE & W. 42ND STREET, CONTRACT NO. ENG 20-12** Motion made by Member Swenson and seconded by Member Brindle awarding the bid for Lift Station No. 2 reconstruction, Grimes Avenue and West 42nd Street to the recommended low bidder, Lametti & Sons, Inc. at \$277,735.00.

Motion carried on rollcall vote – five ayes.

***CHANGE ORDER – EDINA PUBLIC WORKS BUILDING – IMP. PW-1, CONTRACT NO. 4A: SITE DEMO/SITE CLEARING & EARTHWORK** Motion made by Member Swenson and seconded by Member Brindle approving the change order for Edina Public Works Building, Improvement PW-1, Contract No. 4A, Site Demo And Site Clearing and Earthwork to the recommended low bidder, Stocker Excavating, Inc.

Motion carried on rollcall vote – five ayes.

***CHANGE ORDER – EDINA PUBLIC WORKS BUILDING – IMP. PW-1, CONTRACT NO. 4C: SITE CONCRETE** Motion made by Member Swenson and seconded by Member Brindle approving the change order for Edina Public Works Building, Improvement PW-1, Contract No. 4C, site concrete to the recommended low bidder, North Country Concrete, Inc.

Motion carried on rollcall vote – five ayes.

***CHANGE ORDER – EDINA PUBLIC WORKS BUILDING – IMP. PW-1, CONTRACT NO. 3C: STRUCTURAL METAL FRAMING** Motion made by Member Swenson and seconded by Member Brindle approving the change order for Edina Public Works Building, Improvement PW-1, contract No. 3C, structural metal framing to the recommended low bidder, Thurnbeck Steel Fabrication, Inc.

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Motion carried on rollcall vote – five ayes.

***CHANGE ORDER – EDINA PUBLIC WORKS BUILDING – IMP. PW-1, CONTRACT NO. 5D: MISCELLANEOUS METALS MATERIALS** Motion made by Member Swenson and seconded by Member Brindle approving the change order for Edina Public Works Building, Improvement PW-1, Contract No. 5D, miscellaneous metals materials to the recommended low bidder, Sierra Metals, Inc.

Motion carried on rollcall vote – five ayes.

***CHANGE ORDER – EDINA PUBLIC WORKS BUILDING – IMP. PW-1, CONTRACT NO. 5E: MISCELLANEOUS METALS INSTALLATION** Motion made by Member Swenson and seconded by Member Brindle approving the change order for Edina Public Works Building, Improvement PW-1, Contract No. 5E, miscellaneous metals installation to the recommended low bidder, A.M.E. Construction, Corporation.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2010-70 ADOPTED – ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2010-70 accepting various donations.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

REQUEST FOR CHANGE TO LIQUOR CODE SECTION 900 – ST. PATRICK’S CHURCH OF EDINA Interim Manager Worthington presented the Church of St. Patrick in Edina’s request to amend Edina’s Code to allow more entities than the Edina Chamber of Commerce, the 50th and France Business and Professional Association, the Edina Community Foundation, or the City to hold temporary intoxicating liquor licenses. Under Edina’s existing code no other entity may obtain a temporary intoxicating on-sale license as allowed by State Statute.

The Council discussed the request and asked questions of Interim Manager Worthington and City Clerk Mangan about the ordinance’s restrictive parameters and State statute language. The Council indicated it would support consideration of an amendment to allow broad categories of charitable organizations eligibility for temporary on-sale intoxicating liquor licenses and its preference to review the amendment language prior to setting a public hearing. **Member Bennett made a motion, seconded by Member Swenson, directing staff to draft an amendment to the Liquor Code Section 900 for review at the September 7, 2010, Council meeting.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2010-69 ADOPTED – ENDORSING REAPPOINTMENT OF GEOFFREY NASH TO NINE MILE CREEK WATERSHED DISTRICT BOARD OF MANAGERS Mayor Hovland stated his endorsement to reappoint Geoffrey Nash. **Member Brindle introduced and moved adoption of Resolution No. 2010-69, endorsing reappointment of Geoffrey Nash to Nine Mile Creek Watershed District Board of Managers.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

TEMPORARY 3.2 ON-SALE LICENSE APPROVED – ST. PATRICK’S CHURCH OF EDINA Cappy Moore, 6768 Valley View Road, Social Justice Coordinator at St. Patrick’s Church of Edina, stated St. Patrick’s request for a temporary 3.2 on-sale license in conjunction with the Fall Festival. **Member Swenson made a motion, seconded by Member Brindle, granting a**

temporary beer license to Church of St. Patrick's, Edina, for Saturday, September 11, 2010, from 6:30 p.m. until 10:00 p.m., contingent upon a security plan approved by the Edina Police Department.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

STUDENT MEMBER TO PLANNING COMMISSION APPOINTED Following a brief discussion, Member Brindle made a motion, seconded by Member Bennett, appointing Melissa Stefanik to the Planning Commission for a one-year term beginning September 1, 2010.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

***COMMENTS TO MPCA APPROVED AND FORWARDED** Motion made by Member Swenson and seconded by Member Brindle to forward comments to the Minnesota Pollution Control Agency in response to the Agency's request for comments on the amendments to rules governing compost facilities.

Motion carried on rollcall vote – five ayes.

***ENGINEERING SERVICES APPROVED – NEIGHBORHOOD ROADWAY PROJECTS** Motion made by Member Swenson and seconded by Member Brindle to authorize the Interim Manager to approve proposals for the feasibility studies for Minnehaha Woods neighborhood roadway improvement project and Ridge Road reconstruction projects.

Motion carried on rollcall vote – five ayes.

***WETLAND BUFFER RECORDED – PARKWOOD KNOLLS 15TH ADDITION, OUTLOT 1** Motion made by Member Swenson and seconded by Member Brindle to authorize the Interim Manager to approve and sign affidavit of landowner(s) and declaration of restrictions and covenants for site specific wetland replacement on Outlot 1, Parkwood Knolls 15th Addition.

Motion carried on rollcall vote – five ayes.

SPECIAL ASSESSMENT POLICY FOR LOCAL ROADWAYS TABLED TO SEPTEMBER 7, 2010 Member Housh made a motion, seconded by Member Swenson, tabling consideration of the special assessment policy for local roadways to the September 7, 2010, Council meeting.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

TASTE OF CREATIVITY FUNDRAISER EVENT APPROVED – EDINA ART CENTER The Council asked whether the proceeds from this event would be divided proportionately with the contribution made toward expenses.

Diana Hedges, 5135 Motor Street, Art Center Director, advised the proceeds would be split evenly between the Fairview Auxiliary and Edina Art Center and half of the Art Center's proceeds would go to Edina Public Art Committee projects.

Lisa Diehl, 5301 Ayrshire Boulevard, Fairview Auxiliary Co-President, advised the expenses would also be split evenly between the two organizations.

The Council addressed whether a City department should be involved with fundraising and soliciting contributions from businesses. It was noted the Art Center was an enterprise fund and had been encouraged to raise revenue. In addition, City staff was not involved with this fund raising effort, it was conducted by volunteers.

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Member Bennett made a motion, seconded by Member Housh, approving the Art Center Board's recommendation that the Edina Art Center host the "Taste of Creativity" fundraiser event on November 4, 2010, from 4:00 p.m. to 7:30 p.m.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***ENGINEERING SERVICE APPROVED – GLEASON WATER TOWER REHABILITATION**

Motion made by Member Swenson and seconded by Member Brindle to authorize the Interim Manager to approve the proposal from Kollmer Consultants, Inc. (KCI) for the construction administration and inspection services on the Gleason water tower rehabilitation.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2010-71 ADOPTED – CONTINUE PARTICIPATION IN LOCAL HOUSING INCENTIVE ACCOUNT (LHIC) PROGRAM UNDER THE METROPOLITAN LIVABLE COMMUNITIES ACT (LCA) FOR CALENDAR YEARS 2011-2020

Ms. Worthington presented the goals suggested for Edina's continued participation in the Metropolitan Livable Communities Act for calendar years 2011-2020. She explained Edina had been asked to commit to 138 to 212 units of affordable housing and from 212 to 400 units of life cycle housing over the next ten years with the low end of the range representing the number of units that can be accomplished at currently available funding levels region-wide. The Council discussed the affordable and lifecycle housing goals contained in the adopted 2008 Comprehensive Plan and regional goals established by the Metropolitan Council by jurisdiction. It was noted these were goals, not mandates, and asked by the Metropolitan Council in a spirit of cooperation. The Council expressed concern with the ability to meet the stated goals during the current economic climate. **Member Bennett introduced and moved adoption of Resolution No. 2010-71, electing to continue participating in the local housing incentives account program under the Metropolitan Livable Communities Act calendar years 2011 through 2020.**

Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

COMMUNITY COMMENT

Lois Ring, 7440 Edinborough Way, presented pictures of the two art gifts given to the City for placement on the promenade. The Council thanked the donors as well as the Edina Public Art Committee and Edina Community Foundation for their work on behalf of the City.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Swenson and seconded by Member Brindle approving payment of the following claims as shown in detail on the Check Register dated August 5, 2010, and consisting of 30 pages: General Fund \$186,109.38; Communications Fund \$1,759.01; Police Special Revenue \$2,492.41; Working Capital Fund \$199,192.95; Art Center Fund \$3,522.44; Golf Dome Fund \$10,676.43; Aquatic Center Fund \$6,744.51; Golf Course Fund \$30,974.69; Ice Arena Fund \$712.10; Edinborough/Centennial Lakes Fund \$47,696.62; Liquor Fund \$134,279.18; Utility Fund \$83,386.21; Storm Sewer Fund \$51,721.60; Recycling Fund \$8.50; PSTF Agency Fund \$10,249.40; **TOTAL \$769,525.43** and for approval of payment of claims dated August 12, 2010, and consisting of 32 pages: General Fund \$189,326.70; CDBG Fund \$82,000.00; Communications Fund \$5,982.70; Working Capital Fund \$617,029.86; Equipment Replacement Fund \$15,398.35; Art Center Fund \$7,897.92; Aquatic Center Fund \$14,219.96; Golf Course Fund \$24,329.85; Ice Arena Fund \$20,092.72; Edinborough/Centennial Lakes Fund \$16,918.48; Liquor Fund \$257,448.34; Utility Fund \$420,417.61; Storm Sewer Fund \$11,332.86; PSTF Agency Fund \$776.15; **TOTAL \$1,683,171.50**; and, Credit Card Transactions dated June 26, 2010 – July 26, 2010; **TOTAL \$6,762.12**.

Motion carried on rollcall vote – five ayes.

***PETITION RECEIVED FROM MANOR HOMES OF EDINA** Motion made by Member Swenson and seconded by Member Brindle to accept the petition received from Manor Homes of Edina opposing Routes 2 and 3 of the Proposed Nine Mile Creek Trail.

Motion carried on rollcall vote – five ayes.

JOINT MEETING SCHEDULED WITH THREE RIVERS PARK DISTRICT Ms. Worthington announced a joint meeting had been scheduled with the Three Rivers Park District on Wednesday, September 29, 2010, 7:00 p.m., at the South View Middle School.

CITY MANAGER INTERVIEW SCHEDULED Member Bennett made a motion, seconded by Member Brindle, to invite finalists Dean Lotter of New Brighton and Scott Neal of Eden Prairie to interview on August 23, 2010, for the position of City Manager.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 7:49 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, September 7, 2010.

James B. Hovland, Mayor

Video Copy of the August 17, 2010, meeting available.